A marked-up version showing changes to the original claims made by this Preliminary Amendment is attached. Following is a clean set of all claims that will be pending after entry of the present Amendment:

13. **(Amended)** A composition for detecting the nucleic acids of a yeast that is any of *C. albicans*, *C. tropicalis*, *C. dubliniensis*, *C. viswanathii* and *C. parapsilosis*, said composition comprising an oligonucleotide probe having the length and sequence of SEQ ID NO:1 or the complement thereof or the length and sequence of SEQ ID NO:5 or the complement thereof, and optionally a non-complementary sequence that does not hybridize to the nucleic acids of said yeast.

15. The composition of Claim 13, wherein said oligonucleotide probe comprises DNA.

16. **(Amended)** The composition of Claim 13, wherein the sequence of said oligonucleotide probe consists of SEQ ID NO:1 or SEQ ID NO:5.

17. **(Amended)** The composition of Claim 13, wherein said oligonucleotide probe further comprises a detectable label.

18. The composition of Claim 16, wherein said oligonucleotide probe further comprises a detectable label.

19. The composition of Claim 17, wherein the detectable label is a chemiluminescent label or a radiolabel.

20. The composition of Claim 18, wherein the detectable label is a chemiluminescent label or a radiolabel.

21. The composition of Claim 20, wherein the detectable label is a chemiluminescent label, and wherein the chemiluminescent label is an acridinium ester.

22. The composition of Claim 18, further comprising at least one helper oligonucleotide.

23. The composition of Claim 22, wherein said at least one helper oligonucleotide includes at least one nucleotide analog.

24. The composition of Claim 23, wherein said at least one nucleotide analog comprises a ribose moiety having a methoxy group disposed at the 2' position.

25. **(Amended)** The composition of Claim 22, wherein said at least one helper oligonucleotide has a sequence selected from the group consisting of SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4 and SEQ ID NO:6. 22 rights non-elected sequences (

26. **(Amended)** A method of determining whether an organism in the genus *Candida* is present in a test sample, said method comprising the steps of:

(a) providing to said test sample a composition in accordance with Claim 13;

(b) hybridizing under a high stringency condition any nucleic acid that may be present in the test sample with said composition to form a probe:target duplex; and

(c) detecting said probe:target duplex, whereby it is determined that an organism that is any of *C. albicans*, *C. tropicalis, C. dubliniensis, C. viswanathii* and *C. parapsilosis* is present in the test sample.

27. **(Amended)** The method of Claim 26, wherein the sequence of said oligonucleotide probe in step (a) consists of SEQ ID NO:1 or SEQ ID NO:5.

28. The method of Claim 27, wherein said test sample may comprise yeast cells, and wherein before step (a) there is a step for releasing nucleic acid from any yeast cells that may be present in said test sample.

29. The method of Claim 26, wherein said test sample is a lysate.

30. The method of Claim 26, wherein said high stringency condition in step (b) comprises 0.48 M sodium phosphate buffer, 0.1% sodium dodecyl sulfate, 1 mM each of EDTA and EGTA.

31. The method of Claim 26, wherein said high stringency condition in step (b) comprises 0.6 M LiCl, 1% lithium lauryl sulfate, 60 mM lithium succinate and 10 mM each of EDTA and EGTA.

32. The method of Claim 27, wherein the oligonucleotide probe in step (a) comprises a detectable label.

33. The method of Claim 32, wherein the detectable label is an acridinium ester, and wherein step (c) comprises performing luminometry to detect any of said probe:target duplex.

34. **(Amended)** The method of Claim 32, wherein said composition in step (a) further comprises at least one helper oligonucleotide.

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35. **(Amended)** The method of Claim 34, wherein said at least one helper oligonucleotide is selected from the group consisting of SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, and SEQ ID NO:6.

36. **(Amended)** A kit for detecting the presence of nucleic acids from any of *C. albicans*, *C. tropicalis, C. dubliniensis, C. viswanathii* and *C. parapsilosis* in a test sample, said kit comprising:

(a) a composition in accordance with Claim 13; and

(b) at least one helper oligonucleotide.

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37. **(New)** The composition of Claim 13, wherein said oligonucleotide probe includes said non-complementary sequence, and wherein said non-complementary sequence is selected from the group consisting of a promoter sequence, a restriction endonuclease recognition site, a sequence that confers a secondary structure, and a sequence that confers a tertiary structure.

What does appl mean by this both having secondary structure

REMARKS

Applicants acknowledge receipt of the Official Communication mailed October 1, 2002, wherein the Examiner required restriction of the claims to one of two inventions. The present Response answers the requirement.

Claims 13, 16-17, 25-27 and 34-36 have been amended. Claim 37 is new. Claims 1-12 and 14 have been canceled from the application. Claims 13 and 15-37 will remain pending in the Application following entry of the present Amendment.

All of the amendments to the claims are supported by the original disclosure. Claim 13 has been amended to particularly recite probes having the lengths and sequences of SEQ ID